

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

KURT STOKINGER and JANELLA
STOKINGER,

Plaintiffs,

vs.

ARMSLIST, LLC,

Defendant.

Civil Action No: 1:23-cv-00428-PB

JOINT MOTION TO DIVIDE ORAL ARGUMENT PRESENTATION

NOW COME the Plaintiffs, Kurt Stokinger and Janella Stokinger, by their attorneys, McDowell & Morrissette, P.A., and respectfully file this Motion to Divide the Oral Argument Presentation. The Plaintiffs provide as follows:

1. Armslist, LLC (Armslist) has filed two Motions to Dismiss, with supporting memoranda of law in the current action. In its first Motion to Dismiss, Armslist asserts the Plaintiffs fail to state a claim upon which relief can be granted under Fed. R. Civ. P. 12(b)(6) and the claims are barred by the New Hampshire Statute of Limitations (N.H. RSA 508:4), the doctrine of *Res Judicata*, Collateral Estoppel, and the Communications Decency Act of 1996 (47 U.S.C. § 230). In its second Motion to Dismiss, Armslist asserts this Court lacks personal jurisdiction under Fed. R. Civ. P. 12(b)(2). The Plaintiffs filed objections, with supporting memoranda of law, to both motions.

2. The Court has scheduled a Motion Hearing on both Motions for April 8, 2024 at 10:00 a.m. before Judge Paul J. Barbadoro.

3. The Plaintiffs propose separating the arguments and allowing two different attorneys to present at the April 8 hearing. Attorney Douglas Letter, or another attorney from the Brady Center to Prevent Gun Violence, will argue against the Motion to Dismiss for Failure to State a Claim and Counsel from Blank Rome, LLP will argue against the Motion to Dismiss for Lack of Personal Jurisdiction.

4. Attorney Andrew Hamilton, counsel for the Defendant, has indicated the Defendant would also like to separate its oral argument and allow to different attorneys to present at the hearing. Attorney Mark Rouvalis will argue for the Motion to Dismiss for Failure to State a Claim and Attorney Andrew Hamilton will argue the Motion to Dismiss for Lack of Personal Jurisdiction.

5. Local Rule 7.1(d) states that “Unless otherwise ordered, each side’s argument shall be limited to fifteen (15) minutes.” The Plaintiffs respectfully request that the hearing be one hour in length instead of thirty minutes, allowing the Plaintiffs fifteen minutes to argue against the Motion to Dismiss for Failure to State a Claim and fifteen minutes to argue against the Motion to Dismiss for Lack of Personal Jurisdiction, or thirty minutes in total for the Plaintiffs’ arguments. In turn, Armslist would have fifteen minutes to argue its Motion to Dismiss for Failure to State a Claim and fifteen minutes to argue its Motion to Dismiss for Lack of Personal Jurisdiction, or thirty minutes in total for the Defendant’s arguments.

6. Given the number of issues raised in these pleadings, we believe the additional argument time will benefit the Court in reaching its decision here; the additional time will allow the attorneys to more fully address the relevant points and respond to whatever questions the Court has.

7. Counsel for both the Plaintiffs and the Defendant hereby jointly request the Oral Argument be separated for each motion and the hearing be scheduled for one-hour, which side getting thirty minutes to argue (fifteen minutes per side per motion).

WHEREFORE, the Plaintiffs respectfully request that the Court grant the following relief:

- A. Grant this Joint Motion to separate the attorneys that will present at Oral Argument at the April 8, 2024 hearing;
- B. Schedule Oral Argument for one (1) hour instead of thirty minutes, allowing for fifteen minutes per side per motion; and,
- C. Grant such other and further relief as this Court deems equitable and just.

KURT and JANELLA STOKINGER
By and Through Their Attorneys,

MCDOWELL & MORRISSETTE, P.A.

Dated: March 7, 2024

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing will be served electronically through the Court's electronic filing system to:

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